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EXAMINER	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/606,271	POLLARI, PEKKA	
	Examiner	Art Unit	
	Tonya Joseph	3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-3,5-8,10,11 and 14-24 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-3,5-8,10,11 and 14-24 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on 24 June 2003 is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Status of Claims

1. Claims 1-3, 5-8, 10-11 and 14-24 are again presented for Examination.

Response to Arguments

Claim Rejections - 35 USC § 101

2. In view of the newly amended claim, the rejection of Claim 15 under, 35 USC § 101 has been withdrawn.

Claim Rejections - 35 USC § 102 & 35 USC § 103

3. Applicant argues with respect to claims 1 and 14-16 that the term registration is implicitly defined as a process in which an application identifier and an option for paying for use of the application are stored in one or more data stores of an operator network, along with a user identifier, however, Examiner notes, according to Applicant's claim, registration is defined as a process in which an application identifier and an option for paying for use of the application ***are signaled to an operator network, along with a user identifier.*** Applicant further argues with respect to claims 1 and 14-16, that there is no teaching by which the client can locate in the licensing medium license information for the application and for the user (i.e. for some user identifier), as required by claims 1 and 14-16. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., how the client knows how to find all the applications for which the licensing medium stores licensing information) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification

are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Examiner notes claims 1 and 14-16 do not require the specificities of how the information is indexed or how it is searched. The claims merely require the business relationship manager to determine if the application is registered. Edelman clearly performs the same task of determining if the application is registered in para. 60 and para. 62. Accordingly, the rejection will be maintained.

4. Applicant further asserts that the Office Action beginning at the end of line 6 of section/paragraph 7, suggests a teaching by Edelman that is not properly supported, (with respect to claims 1 and 18). Examiner notes, the Office Action clearly recites and provides disclosure regarding the claimed limitation.

5. Applicant asserts with respect to claims 1 and 14-16 that Kunii does not teach a business relationship manager receiving a request from an application to check if a user is registered to use the application. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's

disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

6. Applicant asserts with respect to claim 3, communication over the internet may be via http, and need not be via XML. Examiner notes, the signaling can be provided by hypertext transfer protocol and other signaling methods *in the alternative* as recited by the claim limitation.

7. Applicant asserts with respect to clam 6, that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., *checking the registration authority each time an attempt is made to access the protected software*) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

8. Applicant asserts with respect to claim 8, that Edelman does not teach an identifier common to all copies. Examiner notes para. 82 lines 1-3 discloses a transmitted product number for the software. Examiner is interpreting a transmitted product number as identifier common to all copies.

Accordingly, the rejections of claims 1-3, 5-8, 10-11, 14-18 are maintained.

9. Applicant asserts with respect to claims 19 and 22, that the application is not hosted until the purchase is made. Examiner notes the order in which the option is provided has not been claimed. Furthermore, whether or not the hosting occurs prior or subsequent to paying, the application is still being hosted, as required by the recited limitations of the claim. This rejection is maintained.

Applicant asserts with respect to 20-21 and 24, that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case,

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

11. Claims 1-3, 5-8, 10, 14-16, and 18 rejected under 35 U.S.C. 103(a) as being unpatentable over Edelman et al. U.S. Pre Grant Publication No. 2002/0029347 A1 in view of Kunii U.S. Pre-Grant Publication No. 2001/0056375 A1.

12. As per Claims 1 and 18, Edelman teaches ***receiving from an application hosted by the wireless terminal a request to determine whether the application is registered with the operator network*** (see para. 60; para. 62 lines 1-4 and para. 59 lines 3-10); ***referring to one or more data stores hosting information on registration of applications to determine whether the application is registered with the operator network*** (see para. 60, Examiner is interpreting a licensing medium

as a data store); ***and signaling to the application that the application is registered if by referring to the one or more data stores the business relationship manager finds that the application is registered*** (see para. 59 lines 3-10 and para. 65 lines 1-6), Edelman does not explicitly teach, ***but otherwise displaying options for paying for use of the application, and then in response to an election by a user, wherein registering the application includes signaling to the operator network an indication of an elected option for paying for use of the application along with an identifier.*** Kunii teaches, Once the user enters or inputs the necessary information on the basis of the displayed registration or continuation screen via an input section U1, the training registration section U4 generates payment information and registration information on the basis of the user-entered information, and then transmits, via the communication network X, the payment information and registration information to a billing section K3 of the management server WS. Here, the "payment information" represents a user-desired method of payment and various items of information necessary for the user-desired method of payment. The method of payment is a way of paying a fee of the registered musical performance training, such as payment by a credit card, bank account transfer, postal transfer, electronic money or the like. On the training step selection screen, there are shown a desired training step input area and a payment information input area. Via the desired training step input area, the user selectively enters a training step or new music piece which he or she wants to practice performing. via the payment information input area, the user enters a desired method of payment and other payment-related information necessary for performance practice of

the entered desired training step or new music piece (see para. 50; para. 52 lines 3-13; para. 53 lines 1-7 and 15-21). It would have been prima facie obvious to one of ordinary skill in the art to modify the method of Edelman to include the teachings of Kunii in order to generate program information corresponding to the user-desired training step and transmit the thus-generated program information to the performance practicing terminal PC (as taught in Kunii, para. 53 lines 18-22). Edelman further teaches signaling to an operator network a user identifier stored in a wireless terminal (see para. 62, 72 and 74). The limitation, *"to locate any registration information for the application using the identifier of the application and the user identifier"* is merely a statement of intended use, and as such is afforded little patentable weight.

13. As per Claim 2, Edelman in view of Kunii teaches the method of claim 1 as described above. Edelman further teaches registering the application with a user information server (see para. 75 and para. 67 lines 1-5, Examiner is interpreting the registration authority to be a user information server).

14. As per Claim 3, Edelman in view of Kunii teaches the method of claim 1 as described above. Edelman further teaches wherein the registering is via signaling between the business relationship manager module and the user information server and is according to session initiation protocol signaling or is signaling using an extensible markup language over hypertext transfer protocol or secure hypertext transfer protocol (see para. 67 lines 8-10 and para. 68 lines 3-6).

15. As per Claim 5, Edelman in view of Kunii teaches the method of claim 1 as described above. Edelman further teaches herein the referring to one or more data

stores is a referring to one more data stores hosted by the wireless terminal (see para. 60, Examiner is interpreting a licensing medium as a data store hosted by the wireless terminal).

16. As per Claim 6, Edelman in view of Kunii teaches the method of claim 1 as described above. Edelman further teaches wherein the referring to one or more data stores is a referring to one or more data stores maintained by a user information server of the operator network (see para. 77 lines 5-8).

17. As per Claim 7, Edelman in view of Kunii teaches the method of claim 1 as described above. Edelman further teaches receiving an indication to de-register the application (see para. 96 lines 1-5); signaling a de-register message to a user information server of the operator network so as to indicate that the application is to be de-registered (see para. 96 and para. 97).

18. As per Claim 8, Edelman in view of Kunii teaches the method of claim 1 as described above. Edelman further teaches, wherein the application is assigned an identifier common to all copies of the application (see para. 80 lines 1-3) and used as an identifier for the application in the one or more data stores holding information indicating whether the application is registered (see para. 82).

19. As per Claim 10, Edelman in view of Kunii teaches the method of claim 1 as described above. Edelman further teaches, wherein the options include a plan in which the user is billed monthly for use of the application (see para. 89 lines 3-5 and para. 90 lines 1-5, Examiner is interpreting a renewable monthly license as a monthly bill for use of the application).

20. As per Claim 14, Edelman teaches means for receiving an indication that an application is to be executed; means for referring to one or more data stores to determine whether the application is registered with an operator network (see para. 59 and 60, Examiner is interpreting a licensing medium as a data store. Although the licensing medium of Edelman is a removable smart card, it can also be embodied internally; see para. 62); and wherein in referring to the one or more data stores any registration information for the application is located using the identifier of the application and the user identifier (see para. 70 and 73).

means for signaling to the application that the application is registered if by referring to the one or more data stores the business relationship manager finds that the application is registered (see para. 59 lines 3-10 and para. 65 lines 1-6), Edelman does not explicitly teach, but otherwise displaying options for paying for use of the application, and then in response to an election by a user, registering the application by signaling to the operator network an indication of an elected option for paying for use of the application along with an identifier. Kunii teaches, Once the user enters or inputs the necessary information on the basis of the displayed registration or continuation screen via an input section U1, the training registration section U4 generates payment information and registration information on the basis of the user-entered information, and then transmits, via the communication network X, the payment information and registration information to a billing section K3 of the management server WS. Here, the "payment information" represents a user-desired method of payment and various items of information necessary for the user-desired method of payment. The method of

payment is a way of paying a fee of the registered musical performance training, such as payment by a credit card, bank account transfer, postal transfer, electronic money or the like. On the training step selection screen, there are shown a desired training step input area and a payment information input area. Via the desired training step input area, the user selectively enters a training step or new music piece which he or she wants to practice performing. via the payment information input area, the user enters a desired method of payment and other payment-related information necessary for performance practice of the entered desired training step or new music piece (see para. 50; para. 52 lines 3-13; para. 53 lines 1-7 and 15-21). It would have been prima facie obvious to one of ordinary skill in the art to modify the method of Edelman to include the teachings of Kunii in order to generate program information corresponding to the user-desired training step and transmit the thus-generated program information to the performance practicing terminal PC (as taught in Kunii, para. 53 lines 18-22). Edelman further teaches signaling to an operator network a user identifier stored the wireless terminal (see para. 62, 72 and 74)..

21. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Edelman et al. U.S. Pre Grant Publication No. 2002/0029347 A1 in view of Kunii U.S. Pre-Grant Publication No. 2001/0056375 A1 in further view of CGI (Reference U of the attached PTO-892) and Emondi et al. U.S. Pre-Grant Publication No. 2002/0016748 A1.

22. As per Claim 11, Edelman in view of Kunii in further view of Emondi teaches the method of claim 1 as described above. Edelman further teaches, wherein the application consumes network resources (see para. 73 lines 6-11, Examiner is

interpreting the software accessing the smart card and performing periodic checks as consuming network resources), Edelman further teaches an identifier indicating the application, and communicating the request along with the user and application identifiers to the operator network (see para. 67 lines 8-10 and para. 80 lines 1-3). Edelman does not explicitly teach a sending a get request. CGI teaches sending a get request (see para. 3 and 4). It would have been prima facie obvious to one of ordinary skill in the art at the time of invention to modify the methods of Edelman, Kunii and Emondi to include a get request in order to encode data, as taught in CGI para. 3 and 4. Edelman does not explicitly teach appending to each get request by the application a user identifier stored in the wireless terminal. Emondi teaches, In addition, by redundantly storing the same music track (e.g. a very popular music track) at multiple platforms, the load on the entire system is reduced because multiple platforms can handle multiple requests for the same popular music track. The interface 150 converts the particular access device protocol into the messaging platform protocol (and vice versa) so that the particular access device can communicate with the telephony messaging platform 100. Examples of the access device include (but are not limited to) Subscriber Identity Module ("SIM") Took Kit ("STK"), Unstructured Supplementary Service Data ("USSD"), Hyper Text Markup Language ("HTML"). The STK protocol uses a SIM card, which is a small card that includes a microprocessor and memory chip and which "belongs" to a specific user. When the user inserts the SIM card into an electronic device (e.g. a cellular phone), the cellular phone is identified by the system as the user's phone (see para. 26 lines 13-16; para. 32 lines 11-21 and para. 36 lines 1-6).

It would have been prima facie obvious to one of ordinary skill in the art at the time of invention to modify the methods of Edelman, Kunii and CGI to further include the teachings of Emondi in order to send user specific music requests for listening to music tracks as taught in Emondi para. 43.

23. As per Claim 15, Edelman teaches an application, included in the wireless terminal so as to executable by the wireless terminal, for providing a signal to confirm registration of the application with an operator network in response to a signal to begin execution, and further responsive to a signal indicating registration is in place (see para. 59 lines 3-10 and para. 60, Examiner is interpreting the client program embedded in electronic data to be the same as the recited "application"; in essence a BRM embedded in electronic data). Although the client program can be separately installed, it can also be embedded within executable electronic data; i.e. an application (see para. 59 lines 6-10);

a business relationship manager, also included in the wireless terminal (see para. 60, Examiner is interpreting a client program to be a business relationship manager), responsive to the signal to confirm registration, for referring to one or more data stores to determine whether the application is registered with the operator network(see para. 60 and para. 65 lines 1-6, Examiner is interpreting the client program, embodied in an application, accessing information subsequent to being prompted by a user, as responsiveness to a signal to confirm registration). Although the licensing medium of Edelman is a removable smart card, it can also be embodied internally (see para. 62), for signaling to the application that the application is registered if by referring to the one

or more data stores the business relationship manager finds that the application is registered (see para. 59 lines 3-10 and para. 65 lines 1-6), Edelman does not explicitly teach, but otherwise displaying options for paying for use of the application, and then in response to an election by a user, registering the application by signaling to the operator network an indication of an elected option for paying for use of the application along with an identifier. Kunii teaches Once the user enters or inputs the necessary information on the basis of the displayed registration or continuation screen via an input section U1, the training registration section U4 generates payment information and registration information on the basis of the user-entered information, and then transmits, via the communication network X, the payment information and registration information to a billing section K3 of the management server WS. Here, the "payment information" represents a user-desired method of payment and various items of information necessary for the user-desired method of payment. The method of payment is a way of paying a fee of the registered musical performance training, such as payment by a credit card, bank account transfer, postal transfer, electronic money or the like. On the training step selection screen, there are shown a desired training step input area and a payment information input area. Via the desired training step input area, the user selectively enters a training step or new music piece which he or she wants to practice performing. via the payment information input area, the user enters a desired method of payment and other payment-related information necessary for performance practice of the entered desired training step or new music piece (see para. 50; para. 52 lines 3-13; para. 53 lines 1-7 and 15-21). It would have been prima facie obvious to one of ordinary

skill in the art to modify the method of Edelman to include the teachings of Kunii in order to generate program information corresponding to the user-desired training step and transmit the thus-generated program information to the performance practicing terminal PC (as taught in Kunii, para. 53 lines 18-22). Edelman further teaches signaling to an operator network a user identifier stored in a wireless terminal (see para. 62, 72 and 74). The limitation, *"to locate any registration information for the application using the identifier of the application and the user identifier"* is merely a statement of intended use, and as such is afforded little patentable weight.

24. As per Claim 16, Edelman teaches the wireless terminal (see para. 62 lines 1-4) and an operator network to which the user of the wireless terminal is subscribed (see para. 58 lines 10-12), the operator network including a user information server (see para. 67 lines 1-5, Examiner is interpreting the registration authority implemented as a server on a network, to be an operator network including a user information server), wherein:

a business relationship manager included in the wireless terminal is configured to respond to a signal from the application by signaling a request to the operator network to determine whether the application is registered (see para. 60, Examiner is interpreting the client program, embodied in an application, accessing information subsequent to being prompted by a user, as responsiveness to a signal to confirm registration). Although the licensing medium of Edelman is a removable smart card, it can also be embodied internally; see para. 62),and for signaling to the application an indication of whether the application is registered (see para. 59 lines 3-10 and para. 65

lines 1-6), Edelman further teaches, the user information server of the operator network is configured to respond to the request to determine whether the application is registered by referring to a data store hosted by the operator network (see para. 60, Examiner is interpreting the licensing medium as a data store). Edelman does not explicitly teach and for displaying options for paying for use of the application and for registering the application by signaling to the operator network an indication of an elected option for paying for use of the application along with an identifier of the application. Kunii teaches Once the user enters or inputs the necessary information on the basis of the displayed registration or continuation screen via an input section U1, the training registration section U4 generates payment information and registration information on the basis of the user-entered information, and then transmits, via the communication network X, the payment information and registration information to a billing section K3 of the management server WS. Here, the "payment information" represents a user-desired method of payment and various items of information necessary for the user-desired method of payment. The method of payment is a way of paying a fee of the registered musical performance training, such as payment by a credit card, bank account transfer, postal transfer, electronic money or the like. On the training step selection screen, there are shown a desired training step input area and a payment information input area. Via the desired training step input area, the user selectively enters a training step or new music piece which he or she wants to practice performing. Via the payment information input area, the user enters a desired method of payment and other payment-related information necessary for performance practice

of the entered desired training step or new music piece (see para. 50; para. 52 lines 3-13; para. 53 lines 1-7 and 15-21). It would have been prima facie obvious to one of ordinary skill in the art to modify the system of Edelman to include the teachings of Kunii in order to generate program information corresponding to the user-desired training step and transmit the thus-generated program information to the performance practicing terminal PC (as taught in Kunii, para. 53 lines 18-22). Edelman further teaches signaling to an operator network a user identifier stored in a wireless terminal (see para. 62, 72 and 74). The limitation, *"to locate any registration information for the application using the identifier of the application and the user identifier to determine if the application is registered with the user network"* is merely a statement of intended use, and as such is afforded little patentable weight.

25. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Edelman et al. U.S. Pre Grant Publication No. 2002/0029347 A1 in view of Kunii U.S. Pre-Grant Publication No. 2001/0056375 A1 in further view of Emondi et al. U.S. Pre-Grant Publication No. 2002/0016748 A1 and CGI (Reference U of the attached PTO-892) and Samjani, "General Packet Radio Service {GPRS}" (Reference V of the attached PTO-892).

26. As per Claim 17, Edelman in view of Kunii teaches the method of claim 16 as described above. Edelman further teaches, wherein the business relationship manager is configured to append to each request by the application a user identifier and an application identifier (see para. 67, lines 8-10 and para. 80 lines 1-3). Edelman does not explicitly teach a sending a get request. CGI teaches Every HTTP request and

response includes a message header, describing the message. A message body may also be included: 1) A HEAD or GET request sends only a header. Any form data is encoded in an HTTP_QUERY_STRING header field, which is available to the CGI program as an environment variable QUERY_STRING (see para. 3 and 4). It would have been prima facie obvious to one of ordinary skill in the art at the time of invention to modify the systems of Edelman and Kunii to include a get request in order to encode data as taught in CGI para. 3 and 4). Edelman does not explicitly teach a gateway general packet radio service support node, and further and the general packet radio service support node is configured to count packets bearing the user identifier and application identifier by monitoring received packets. Samjani teaches, packet counts are passed to a charging gateway that generates call detail records. Samjani further teaches, GPRS uses the radio resources for allocation of channels to the user. We know that GPRS is not a circuit-switched oriented network. Hence, it involves more efficient usage of the available bandwidth (see pg. 14 col. 1, para. 7, lines 1-8); It would have been prima facie obvious to one of ordinary skill in the art at the time of invention to expand the systems of Edelman, Kunii and CGI to include the teachings of Samjani in order to collect charging information from GPRS nodes with the applicable identifier to prepare it for submission to a billing system and use a GPRS support node to allow efficient handling of available bandwidth, as taught in Samjani, pg. 14 col. 2, para. 1 lines 1-4.

27. Claims 19 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable Kunii U.S. Pre-Grant Publication No. 2001/0056375 A1.

28. As per Claim 19, Kunii teaches providing to a wireless terminal at least one option for paying for use of an application hosted by the wireless terminal (see para. 46 lines 10-19 and para. 52 lines 4-15) and receiving an indication of an option for paying for use of the application along with an identifier of the application (see para. 53 lines 15-21). Kunii teaches receiving a user identifier stored in the wireless terminal. Kunii further teaches storing the indication of the option for paying for use of the application along with the identifier of the application and the user identifier (see para. 52 and 53, it is implicit that subsequent to paying for the application, the selected option is saved so as to be sent to the users phone. The limitation, *"for use in determining whether the application hosted by the wireless terminal is registered with the operator network."* Is merely a statement of intended use and as such is afforded little patentable weight.

29. As per Claim 22, Kunii teaches a software business server (see para. 43 lines 1-10), for providing to a wireless terminal at least one option for paying for use of an application hosted by the wireless terminal see para. 46 lines 10-19 and para. 52 lines 4-15); and a user information server (see para. 53 lines 1-8), for receiving an indication of an option for paying for use of the application along with an identifier of the application piece (see para. 50; para. 52 lines 3-13; para. 53 lines 1-7 and 15-21); Kunii teaches a user identifier stored in the wireless terminal (see para. 46 and 52). storing the indication of the option for paying for use of the application along with the identifier of the application and the user identifier (see para. 52 and 53, it is implicit that subsequent to paying for the application, the selected option is saved so as to be sent to the users phone. The limitation, *"for use in determining whether the application*

hosted by the wireless terminal is registered with the operator network." Is merely a statement of intended use and as such is afforded little patentable weight.

30. Claims 20-21 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kunii U.S. Pre-Grant Publication No. 2001/0056375 A1 in view of Samjani, "General Packet Radio Service {GPRS}" (Reference V of the attached PTO-892).

31. As per Claim 20, Kunii teaches the method of claim 19 as described above. Kunii further teaches receiving from the wireless terminal a request issued by the application along with the user identifier and the identifier indicating the application (see para. 60 and 65); and Kunii does not explicitly teach a get request. CGI teaches Every HTTP request and response includes a message header, describing the message. A message body may also be included: 1) A HEAD or GET request sends only a header. Any form data is encoded in an HTTP_QUERY_STRING header field, which is available to the CGI program as an environment variable QUERY_STRING (see para. 3 and 4). It would have been prima facie obvious to one of ordinary skill in the art at the time of invention to modify the system of Kunii to include a get request in order to encode data as taught in CGI para. 3 and 4). Kunii does not explicitly teach counting the packets bearing the identifier indicating the user and the identifier indicating the application. Samjani teaches, packet counts are passed to a charging gateway that generates call detail records. Samjani further teaches, GPRS uses the radio resources for allocation of channels to the user. We know that GPRS is not a circuit-switched oriented network. Hence, it involves more efficient usage of the available bandwidth (see pg. 14 col. 1, para. 7, lines 1-8); It would have been prima facie obvious to one of ordinary skill in the

art at the time of invention to expand the methods of Kunii and CGI to include the teachings of Samjani in order to collect charging information from GPRS nodes with the applicable identifier to prepare it for submission to a billing system and use a GPRS support node to allow efficient handling of available bandwidth, as taught in Samjani, pg. 14 col. 2, para. 1 lines 1-4.

32. As per Claim 21, Kunii teaches the method of claim 19 as described above. Kunii does not explicitly teach wherein the support node is a gateway general packet radio service support node. Samjani teaches, packet counts are passed to a charging gateway that generates call detail records. Samjani further teaches, GPRS uses the radio resources for allocation of channels to the user. We know that GPRS is not a circuit-switched oriented network. Hence, it involves more efficient usage of the available bandwidth (see pg. 14 col. 1, para. 7, lines 1-8); It would have been prima facie obvious to one of ordinary skill in the art at the time of invention to expand the system of Kunii to include the teachings of Samjani in order to collect charging information from GPRS nodes with the applicable identifier to prepare it for submission to a billing system and use a GPRS support node to allow efficient handling of available bandwidth, as taught in Samjani, pg. 14 col. 2, para. 1 lines 1-4.

33. As per Claim 24, Kunii teaches the method of claim 22 as described above. Kunii does not explicitly teach wherein the support node is a gateway general packet radio service support node. Samjani teaches, packet counts are passed to a charging gateway that generates call detail records. Samjani further teaches, GPRS uses the radio resources for allocation of channels to the user. We know that GPRS is not a

circuit-switched oriented network. Hence, it involves more efficient usage of the available bandwidth (see pg. 14 col. 1, para. 7, lines 1-8); It would have been prima facie obvious to one of ordinary skill in the art at the time of invention to expand the methods of Kunii to include the teachings of Samjani in order to collect charging information from GPRS nodes with the applicable identifier to prepare it for submission to a billing system and use a GPRS support node to allow efficient handling of available bandwidth, as taught in Samjani, pg. 14 col. 2, para. 1 lines 1-4.

34. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kunii U.S. Pre-Grant Publication No. 2001/0056375 A1 in view of CGI (Reference U of the attached PTO-892) and Samjani, "General Packet Radio Service {GPRS}" (Reference V of the attached PTO-892).

35. As per Claim 23, Kunii teaches the method of claim 22 as described above. Kunii further teaches receiving from the wireless terminal a request issued by the application along with the user identifier and the identifier indicating the application (see para. 60 and 65), Kunii does not explicitly teach a get request. CGI teaches Every HTTP request and response includes a message header, describing the message. A message body may also be included: 1) A HEAD or GET request sends only a header. Any form data is encoded in an HTTP_QUERY_STRING header field, which is available to the CGI program as an environment variable QUERY_STRING (see para. 3 and 4). It would have been prima facie obvious to one of ordinary skill in the art at the time of invention to modify the system of Kunii to include a get request in order to encode data as taught in CGI para. 3 and 4). Kunii does not explicitly teach a gateway support node, for

counting the packets bearing the identifier indicating the user and the identifier indicating the application. Kunii does not explicitly teach counting the packets bearing the identifier indicating the user and the identifier indicating the application. Samjani teaches, packet counts are passed to a charging gateway that generates call detail records. Samjani further teaches, GPRS uses the radio resources for allocation of channels to the user. We know that GPRS is not a circuit-switched oriented network. Hence, it involves more efficient usage of the available bandwidth (see pg. 14 col. 1, para. 7, lines 1-8); It would have been prima facie obvious to one of ordinary skill in the art at the time of invention to expand the methods of Kunii and CGI to include the teachings of Samjani in order to collect charging information from GPRS nodes with the applicable identifier to prepare it for submission to a billing system and use a GPRS support node to allow efficient handling of available bandwidth, as taught in Samjani, pg. 14 col. 2, para. 1 lines 1-4.

Conclusion

Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the applicant, in preparing the responses, fully consider the references in entirety as potentially teaching all or part of

the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tonya Joseph whose telephone number is 571-270-1361. The examiner can normally be reached on Mon-Fri 7:30am-5:00pm First Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Hayes can be reached on 571 272 0847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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